





## SPEECH

OF

HON. JOHN A. BINGHAM, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1861.

The House having under consideration the report from the select committee of thirty-three—

Mr. BINGHAM said:

Mr. SPEAKER: No man can regret more than I do the fact that there is conspiracy in the Capitol and wide-spread conspiracy in the country, against the Constitution, the Union, and the laws. For one, I am ready to say, that neither partisan feeling, nor pride of opinion, nor the prejudices or passions of the hour, shall deter me from an earnest support of any and all just legislation essential to the supremacy of the Constitution and the maintenance of the Union. But, sir, it is in vain to endeavor to save the Constitution by a sacrifice of the great principles which underlie it, and which constitute its life. I cannot, and will not, under any pressure, support any measure which shall involve such a sacrifice. No, sir; I stand here to-day for the Constitution as it is. I stand to-day with millions of my countrymen of every section of the Republic for the Constitution as it is. By all the dread memories of the past, by all the felt enjoyments of the present, by all the cherished hopes of the future, we are commanded to maintain intact and inviolate that matchless form of civil polity—the Constitution of our common country; that country which has but one Constitution; that country which embraces every rood of the Republic—the East, with its rock-bound coast and its consecrated battle-grounds; the North, with its Keystone and its Empire States; the West, the boundless West, with its great rivers and inland seas, with its exhaustless hidden treasures and its fertile plains, now numbering ten million freemen, and soon, I trust in the good providence of God, to number one hundred million freemen; and the South, the beautiful, sunlit South, with its gallant, generous, but misled and distracted people, with its sacred traditions and its holy graves, the sepulchers of our dead heroes, dead patriots, and dead statesmen. What are all these several sections but parts of our common country—that country which is the common heritage of every citizen of the Republic, whether native or adopted, and into every part of which, under the Constitution, every citizen has the right to go, and there enjoy all the privileges and im-

munities of an American citizen, without let or hindrance from any local State government, or from any secession convention or lawless mob?

But, sir, notwithstanding the clear guarantee of the Constitution to every citizen, however humble, that he shall be at liberty to go, under the protection of the laws, everywhere within the jurisdiction of the Federal Constitution, into every State, into every county and hamlet and city of the Union, upon every water course, upon every sea, all round the globe wherever your flag floats; yet, day by day it is proclaimed here and in the other end of the Capitol that this guarantee of the Constitution, this right of the citizen, may be swept away at any moment by a State secession convention. Sir, I stand here to deny that proposition. With uplifted hand, I deny that any State of this Union, or all the States of this Union combined, acting as States, can rightfully deprive any citizen of his guaranteed privileges. In the name of the people of the Republic, I declare that no power, save the sovereign power of the people themselves, can rightfully separate any portion of this country from the rest, or sever the sacred ties which bind together its various parts. And, above all—above all, sir, do I declare that no State can rightfully strike down that unity of government which, in the words of Washington, constitutes us one people, and which is the main pillar in the edifice of our real independence, the support of our tranquillity at home, of our peace abroad, of our happiness, of our prosperity, and of that very liberty which we so highly prize. And I further deny, in the name of the American people, that any State can rightfully let loose in our midst the demon of discord, to breathe upon us from his shriveled lips famine, pestilence and death, to blast our fields, and defile our hearths and altars with the blood of fratricide.

Now, that the Constitution has been wantonly violated, and its supremacy defied; now, that our flag—the flag of the Union, consecrated to freedom by the sacrifice of blood—has been torn down, and surrendered to traitors; now, that our forts, our arsenals, our custom-houses, our arms, and our treasure have been unlawfully seized; now, that our citizens, charged and chargeable with no

offense, save their loyalty to the Constitution, and their fidelity to their allegiance, have been driven by mobs into exile or cast by mobs into prison, we are gravely told to deliberate, not whether we will maintain the Constitution and the supremacy of the laws, but whether we will not make compromises with, and concessions to, rebels. I believe, sir, that the duty of to-day, enjoined by our oaths upon every Representative and upon every Senator, is to strengthen the arm of the Executive by such additional legislation as will enable him to summon the people of the whole country, from the North and the South, from the East and the West, to the rescue of a violated Constitution. I have believed this to be our first duty from the beginning of this trouble; and hence it was that I voted against raising any committee of compromise.

Acting upon this conviction, on the 12th of last December, I introduced a resolution, by leave of this House, requesting your special committee to report such additional legislation as would enable the Executive to put down rebellion, to protect the property of this Government, its forts and its arms, its treasure and its munitions of war, against unlawful seizure; especially to protect its loyal citizens everywhere, and in every place, against the unlawful violence inflicted upon them because of their fidelity to the Constitution. But, sir, these suggestions have, thus far, met with but little favor on either side of this House. Gentlemen may think—and their own judgment certainly must be and ought to be the rule of their conduct—that compromise is best, that conciliation is best, and that the surrender even of principle, to some extent, is best. I am constrained to differ with them; to dissent, totally dissent, from all such opinions. Acting, sir, upon my own convictions of duty—in order to check rebellion and assert the authority of the Government—I introduced into this House, some three weeks ago, what is known as the “force bill;” that law which proved so efficient to suppress the rebellion of 1833 under the administration of the patriot President, Andrew Jackson.

As yet, this important measure has received no consideration in this House; and allow me to add that it is no fault of mine that it has not been acted upon. Why, sir, when remedial legislation like this is proposed, we are told by the other side of the House that every State has the right to secede, and that the Government of the United States cannot coerce a State; and that, therefore, the only way in which we can maintain the Constitution and the laws is by making concessions to, and compromises with, the seceding States. Sir, whoever makes that assertion proceeds upon the assumption that the Government of the United States is dependent for its administration—nay, for its existence—upon the assent of each and every State. And they must further assume that the Government of the United States is the mere creature of the States as such. I deny both these assumptions. Gentlemen who thus speak must suppose that they still live under the Articles of Confederation, and that all legislative power in Congress is exercised by us only as the collective Representatives of independent States. The fact

is otherwise. In the exercise of our legislative powers, under the Constitution, the Representatives chosen in each State do not vote collectively, as the Representatives of any State, but vote individually, each upon his own judgment, and all for the whole country, and for no particular State. The Constitution of the United States vests in the national Government the powers of general sovereignty; while each State government is invested by the people therein with only the powers of municipal authority.

Who does not know, as the honorable gentleman from Virginia [Mr. MILLSON] stated yesterday, that State governments are governments of delegated authority? Who ever heard of a government transferring its delegated powers, re-delegating them to another body-politic, to a new government? No one. The Constitution of the United States came from the people, within the limits of their respective States. The people ordained the Constitution of the United States, and vested the Government of the United States with the general sovereignty of this country. By that same act they stripped every State within the Union of the general sovereignty which before that time was lodged in it.

That, sir, is my position. The people ordained the Constitution of the United States, not the States. Mr. Pendleton, in the Virginia convention, on the adoption of the Constitution, said:

“Who but the people can delegate powers; who but the people have a right to form governments.”

It requires no argument to prove that the people, and the people alone, formed the Constitution of the United States; it is written on the fore-front of that instrument. “We, the people of the United States, do ordain and establish this Constitution.” That was a sublime act; it was the organization of a nation under a common Government. The people ordained, and it was done. It was of this wise and beneficent action of men that the great Roman orator and statesman spoke, when he said:

“There is nothing done upon earth more acceptable to that God who rules the universe than in those assemblages and deliberations of men, rightfully associating together and constituting governments for nations.”

The Constitution is the law for the government of this great nation. By means of it, this people became one, and the nation came to be. All governmental powers under that Constitution can be exercised only by the people, through their duly chosen agents.

What, then, becomes of the assertion that a State has a right to secede from the Union? That is the basis of the argument for compromise and for concession. I grant you that, if this asserted right be well founded, there is nothing left for us to do than to make such compromises and to grant such concessions as the seceding States may demand. But I deny this asserted State right. Has a State a right to secede from the Union? What is secession? It is a partition of the Republic; it is a contraction of the limits of the Republic; it is the absolute exclusion of the jurisdiction of the United States, as a Government, from the limits of the seceding State; and finally, it is a total abrogation, within the limits of the seceding State, of all the civil rights of thirty million freemen as Ameri-

can citizens. That is secession. It is, therefore, simply disunion. Disunion, secession! This, we are told, is a peaceable remedy for the redress of grievances. A peaceable remedy! which sunders a great nation. A peaceable remedy! which strikes down a free constitution. A peaceable remedy! which extinguishes the rights of thirty million American citizens. A peaceable remedy! which blots a great people from the map of nations. You might as well talk about a peaceable earthquake, which rends the earth asunder and buries its inhabitants in a common ruin. You might as well talk to me of a peaceable storm, which fills the heavens with darkness and the habitations of men with desolation and death.

But, Mr. Speaker, we are told that peaceable State secession is a constitutional remedy. A constitutional remedy! I commend gentlemen, who tell me that, to ponder upon these strong words in the Constitution of the United States:

"This Constitution, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land; and the judges of every State shall be bound thereby, anything in the Constitution and laws of any State to the contrary notwithstanding."

I also commend gentlemen to consider that other provision of the Constitution, that the citizens of each State shall be entitled to all the privileges and immunities of American citizens in the several States. When they have read those two provisions, I ask them to tell me by what logic they arrive at the conclusion that any State of this Union, either through its convention or its Legislature, may abolish the rights of citizens of the United States within its limits, or may make a law paramount to the Constitution of the United States, and the laws and treaties made in pursuance thereof. I ask gentlemen to read the words of the great commoner of Kentucky—Henry Clay—who died too soon, I fear, for the interests of his country, and who now sleeps in his honored grave at Lexington. He said, sir, "my allegiance to my country is paramount; my allegiance to Kentucky is subordinate." He said, too, that he would not adhere to Kentucky in her resistance to the laws of his country; that he would not follow her standard in unjust rebellion against the Union. Never, never, never! So spoke the patriot and the statesman.

Mr. Speaker, if this asserted constitutional right of secession exists it follows that the powers of this Government can only be exercised upon the voluntary assent, express or implied, of each State, and it results that our national Constitution is a sham; that instead of forming a "more perfect Union," it has formed no Union, and is the veriest embodiment of weakness and imbecility. If this right of secession exists under the Constitution, then all the people of the Republic may not, and cannot by their laws, duly executed, bind a State with but half the population of the city of New York, if such State dissents and secedes. If this right exists, each State is the sole judge of the occasion for its exercise, and the other States must acquiesce in the act of secession. These are the lame and impotent conclusions of those who assert the right of State secession. No one, I think, can seriously adopt or even entertain

such conclusions. The very terms of the Constitution exclude such conclusions.

Sir, the powers granted by the Constitution to the National Government, and expressly withheld from the States, very clearly leave no room for the asserted right of secession. What are the powers of this Government? In general terms, they are these: to regulate commerce, domestic and foreign, between the several States, and with all foreign nations; to make treaties; to coin money and regulate its value; to define and punish felonies committed on the high seas, and offenses against the law of nations; to declare war; grant letters of marque and reprisal; to raise and support armies; and to provide and maintain a navy, and make rules for their government; to organize and arm and call forth the militia to execute the laws of the Union; suppress insurrections and repel invasions; to declare the punishment of treason; and to make all needful and proper laws for the execution of these powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof. All these powers thus vested in the General Government are withheld from the States, and by the words of the Constitution, each State is expressly prohibited from exercising them.

In pursuance of these grants of power Congress has legislated; and every State law in contravention of this legislation of Congress is, by the words, and every intendment of your Constitution, void. This Government has prescribed the punishment of treason, declaring that, if any person or persons owing allegiance to the Government of the United States of America, shall levy war against them, or adhere to their enemies, giving them aid and comfort within the United States or elsewhere, such person or persons shall, upon conviction, suffer death. The citizens of every State of the Union are citizens of the United States; and every citizen, whether native or naturalized, in accordance with the Federal law, owes allegiance to this Government, and is prohibited by its law from the crime of treason against the Government. Can any State absolve a citizen of the United States from his allegiance? Can any State legalize treason against the Government of the United States, or shelter traitors from the just punishment of the law? No State can confer United States citizenship. The United States act of 1802 expressly provides that an alien may become a citizen of the United States, or of *ANY STATE*, only in pursuance of that act.

If a State may lawfully secede, it follows that, by the act of secession, the State may, and should, release all the citizens of the United States from their allegiance. There is no secession that does not exclude from the territory of the seceding State the jurisdiction and laws of the United States, and absolve all citizens therein from allegiance to the Government of the United States.

Secession implies more than this. It implies not only the release of the citizens of the United States within its limits from their obligations of fealty to the laws and Government of the United States, but the establishment of an absolute sovereignty by the act of the State, that is, by the act

of its qualified electors and their chosen Representatives. An absolute sovereignty may rightfully levy war, conclude peace, contract treaty alliances, regulate commerce, coin money, and do all other acts and things which free and independent States may of right do. While your Constitution stands—and I trust it will stand forever—can any State of this Union rightfully exercise any of these great powers of sovereignty? What says the tenth section of the Constitution? No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility; nor, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State, on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of Congress. Nor shall any State, without the consent of Congress, lay any duty of tonnage, keep troops or ships-of-war in time of peace, enter into any agreement or compact with another State or with a foreign Power. Such are the limitations imposed by the Constitution of the United States upon every State of this Union. The Supreme court says:

"The Constitution excludes every sort of negotiation and intercourse of a political character between the States themselves, or between either of them and a foreign State." *Holmes vs. Johnson*, 14 *Peters*, p. 572.

Can a State rightfully repeal or annul these limitations of the Constitution, and all the laws and treaties of the United States made in pursuance of the Constitution? That is secession. Against this asserted State right I oppose the words of Washington:

"The Constitution which at any time exists, till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all."

But it is said by some that State secession is an inherent right. States have no inherent rights; they have only derivative or delegated rights. That is the proclamation of America. That is the jeweled word of our great Declaration: "Governments derive their just powers from the consent of the governed."

It is truly said that State secession is revolution; but they greatly err who say that revolution is a State right. The right of revolution does not inhere in States, but in men—not in their character of citizens, but of men. It is a right sacred and indefeasible, a right which men cannot surrender, if they would. It is bound up with the elements of the human soul. It is the right of self-defense; the right to resist oppression and redress wrong. As expressive of the right and duty of revolution, our fathers borrowed from one of England's heromartyrs the watchword, "Resistance to tyrants is obedience to God." They graved those thrilling words upon their guns, and read them by the lurid light of battle. God forbid that I should deny the people's right of revolution. But, sir,

that right can only be justly exercised under these limitations: there must be grievances or just cause; all peaceable means of redress must be first fairly and honestly tried, and must fail; and the cause of complaint, the grievance, must be so onerous that submission to it would be more dangerous to life and liberty than revolution or war. What just cause of complaint has the South, or any portion of her people, against this Government? There is none. What peaceable means have been employed by the South to redress any imaginary grievance, in the absence of a real one? None. What petitions for a redress of wrongs, or remonstrances against wrongs, have been sent here by the South? None. It is said some northern States have passed unconstitutional liberty bills injurious to the South. If this be so, the South has an ample and complete remedy in the Federal courts. But does the violation of the Constitution by one citizen, or by many, justify additional violations by others?

I agree that if this Government has inflicted wrongs upon a portion of our people; if redress for those wrongs has been applied for, and been denied; if the condition of submission to these wrongs is more dangerous to the people than revolution and war, then, with all my heart, I am with them, and say they have the right to strike for the redress of their grievances. But I ask, and demand to know, what grievances any portion of the people of the United States suffer under by the act of the government of this country? This rebellion, this revolution, with no colorable excuse, is waged against the United States, the wisest and most beneficent Government on the globe. Why talk, then, about the right of revolution, when there is no cause for revolution, no wrong to be redressed?

I conclude, then, my remarks upon the asserted right of State secession, having shown that it is not a constitutional right, nor an inherent State right; that the people of the several States have no cause of complaint against the Government which justifies them by act of revolution to overturn the Constitution.

How is this argument met? We are simply told that States, with or without cause, with or without right, are seceding from the Union, and asserting their separate independence, and therefore we must amend the Constitution; we must make compromises and concessions, or, as a gentleman said yesterday, we must reconstruct the Union. I do not so understand my duty. Representatives are not here to compromise with rebellion, or to compound treason. I believe that the duty of to-day is not to amend the Constitution, but to maintain and uphold the Constitution. Upon that I stand.

I ask gentlemen, when they talk about revolution without cause, to remember that there is a grievance in this land which might, by possibility, justify revolution. That grievance is not inflicted by the General Government, but by State governments and State organizations. I refer, sir, to that great wrong which dooms four million men and their descendants forever to abject servitude. Consider this giant wrong, how it blasts the hopes and crushes out the life of its victim. The

lettered page of material, the illumined page of intellectual and immortal life are not for him. The great law of human progress is not for him. Knowledge, that knowledge which is power, and which teaches men and nations how to live, is not for him; the sanctities of home, its care and culture, which attune the heart to the gentlest and the sweetest charities of life, are not for him. Beneath the crushing weight of this iron despotism, it is only left for him to sink down to a level with the creeping things of the dust, to become that sad and shattered wreck of humanity which, for want of a better word, we call a slave; a thing of trade, with no acknowledged rights in the present, with no hope of a heritage in the great hereafter, to whose darkened soul the universe is voiceless, and even God himself seems silent!

If that day comes—which I pray may not come—when the right of revolution shall be asserted in the redress of this great wrong, I could only say with your own Jefferson, now speaking to us from his quiet grave upon the heights of Monticello, “I tremble for my country when I reflect that God is just, and that he has not an attribute which will allow Him to take sides with the aggressor in that conflict.”

I pray gentlemen who favor revolution for the overthrow of the Union and the Constitution, for the putting out of the sacred fires of civil and religious liberty which our fathers kindled upon our altars, not to forget that in the Union is our strength and our safety. Let us not in our madness throw away the shield of our defense, and exchange its peaceful remedies for the dread arbitrament of the sword, lest God in his anger “should laugh at our calamity, and mock when our fear cometh.”

But, sir, because secession is threatened and attempted without justifiable cause, we are told on all sides of the House we must compromise, we must concede. Compromise what? Concede what? Compromise the Constitution, and concede the right of rebellion! What assurance has any man that the compromises proposed will stay the revolution or save the Union?

The compromises proposed and reported by the committee of thirty-three, and now under consideration, are as follows:

1. An amendment to the Constitution, to the effect that no amendment having for its object *any interference* with slavery in the States shall ever be made, unless the same shall originate with a slave State and be assented to by all the States.

2. An act for the admission of New Mexico as a slave State, without further action of Congress.

3. An amendment of the fugitive slave law, so that it shall be more efficient for the arrest of fugitive slaves.

4. An amendment of the act for the rendition of fugitives from justice, so as to give the Federal courts exclusive jurisdiction, and make the indictment *prima facie* evidence against the accused.

I cannot give either of these propositions my assent. The proposed amendment to the Constitution strikes at the inherent right of the people to alter or amend it at their pleasure. The Constitution originated with the people, and jealous

of their rights, and of the rights of all the States, the people expressly reserved to themselves the right to originate, and finally ratify or reject, through their chosen Representatives, State and national, such amendments as they might see fit to adopt. This reserved power of amendment now is subject to no limitation in the mode prescribed, save that no State, without its consent, shall be deprived of its equal suffrage in the Senate. I think this inherent right, so carefully reserved by the people, ought not to be surrendered by them. What the people ought not to do, the Representatives of the people should not ask them to do. The words of Washington are significant. He says, “The basis of our political systems is the right of the people to make and to alter their constitutions of government.” I think the amendment before us proposes a surrender in the premises of this right to make or alter. The provision that one class of States alone may originate an amendment, and that a single State may prevent an amendment, touching what may become an interest of national concern, is not in keeping with the genius of our institutions.

I submit that the terms of the amendment imply that, under the Constitution as it now is, the Government of the United States has no power to *interfere in any way* with slavery in the States. If there is no such power in the Government, why insert this amendment; if there is such power in the Government, will not the insertion of this amendment be held by judicial construction to be a limitation or a denial of that power by the act of the people? I think it will, and especially by a court that could make the Dred Scott decision.

In my judgment, under the Constitution of the United States, this Government has power to interfere with slavery in the States to this extent:

1. By a direct capitation tax apportioned among the several States upon the basis of their representative population, which includes three fifths of their slaves as persons.

2. By emancipating the slaves in time of war, and in the exercise of the war power vested without limitation in this Government.

The first of these propositions rests upon the express terms of the Constitution. In support of the second, I adopt the words of Mr. John Quincy Adams, in his speech on the war with Great Britain and Mexico. Mr. Adams says:

“I would leave that institution [slavery] to the exclusive consideration and management of the States more peculiarly interested in it, just as long as they can keep within their own bounds.” “I believe that, so long as the slave States are able to sustain their institutions without going abroad or calling upon other parts of the Union to aid them, or act on the subject, so long I will consent never to interfere.”

“But if they come to the free States, and say to them, you must help us to keep down our slaves; you must aid us in an insurrection and a civil war; then, I say, with that call comes a full and plenary power to this House and the Senate over the whole subject. It is a war power.”

“I lay this down as the law of nations.” “So far from its being true, that the States where slavery exists have the exclusive management of the subject, not only the President of the United States, but the commander of the Army has full power to order the universal emancipation of the slaves.”

I will not consent to put into the Constitution an amendment which, by construction, forced

though it may be, may be held either to exempt the slave States from the payment of their fair proportion of taxes, or to limit the war powers of this Government.

But, sir, aside from these considerations, I oppose this amendment on higher grounds. It is a proposition to bind the twenty million freemen in the North forever, or during the pleasure of the slave States and of each of them, to keep ward and watch over four million men, and doom them and their posterity, from age to age, to a crushing despotism. That amendment, if adopted, will startle the civilized world. It is a written conspiracy against the liberties of four million men, and their descendants forever. Thereby the freemen of this land agree to lock hands, and by their combined power declare that deliverance shall never come to these millions of men or their children, save that deliverance which comes, sooner or later, to master and slave alike, by the hands of the destroying angel. The American people will rebuke this attempt to pledge them forever to the maintenance of a perpetual despotism. Now they must put down slave insurrection. By this amendment they must make insurrection, or the cause of it, perpetual. They are content that the slave States shall remain unmolested by them in the enjoyment of their slave property, if they see fit to retain it, and in the full enjoyment of all their rights under the Constitution; but I entirely mistake the character of the freemen of the North, if they do not rebuke this insult offered to their sense of humanity and justice.

I know this remark may be met with the sneer that this is the "higher law." Pray, did not Madison recognize a higher law when, in the convention of 1787, he declared that it was *wrong* to admit in the Constitution that there can be property in man? Is there no reference to a higher law in your sublime Declaration of Independence, that immortal bill of rights, which will live as long as our language lives, in the words "these States are, and of right ought to be, free and independent States, and may do what independent States may of right do?"—not of *wrong*, but may of *right* do. No, sir; the fathers of the Republic never would have made their Constitution; they never would have borne the sacred ark of liberty through a seven years' war, if they had not believed in a higher law—in the eternal verities of truth and justice. That law is of perpetual and of universal obligation. It is obligatory alike upon individual and collective man; upon the citizen and upon the State. It reveals to us, as it revealed to our fathers, the right and the wrong in human conduct. It enjoins upon us, as it enjoined upon them, human duty as duty. It discloses to us, as it disclosed to them, the beautiful form of goodness, and that virtue which rises from the depths of truth's mysterious bosom, and "is beloved because 'tis virtue." It teaches us, as it taught them, that the performance of duty—that highest word revealed by God to man—is the surest and noblest defense of men and nations. For these reasons, sir, I object to the proposed amendment.

What are the other propositions? The admission of New Mexico as a slave State without fur-

ther action by Congress. I object to the admission of slave States under the Constitution, for the reason that the Constitution did not provide for their admission. In the original report of the Constitution, in the convention which framed it, that article which provides for the admission of new States was in these words: "The Congress may admit new States into the Union upon the same terms with the original States." A motion was made to strike out the words "upon the same terms with the original States;" and they were stricken out. For what purpose were they stricken out? That the Constitution might not oblige the Congress of the United States to admit slave States into the Union; or new States upon the same terms with the original States, each of which entered the Union with the power reserved to engage both in the domestic and foreign slave trade for twenty years. True to the spirit of the Constitution, in 1802, under the administration of Jefferson, when Congress provided an enabling act for the admission of my own State of Ohio, they provided in that act that Ohio should not come into the Union upon the same terms with the original States; but upon the express condition that, not only for the six years that were still to elapse, during which time the original States might carry on the foreign slave trade, but that thenceforward and forever she should be excluded from any participation in that traffic, either domestic or foreign. I would apply the Jeffersonian rule, which was applied justly and wisely to my own State, to the proposed State of New Mexico.

But, sir, I would oppose the admission of New Mexico as a State on the further ground that she is not fit to be admitted into the Union as a State until she repeals her unjust legislation. She has to-day upon her statute-book two slave codes, which would bring blushes to the cheek of Caligula. She provides by law that all free white laboring men and women, contracting to do service, including shepherds and agents sent on journeys, shall be subjected, when their day's work is done, to the insolent lash of the task-master, and shall have no redress for the insult and wrong in courts of justice. Is this the reward which is to be meted out by American law to honest white men and women? Is that the just reward of honest toil? Why, sir, I thought that, in this land of ours, work was to be held sacred. I thought the boasted maxim among the American people was "a fair day's wages for a day's work." I thought that long ago our people had learned "that all true work is sacred; that there is a divineness in it, from sweat of the face up to sweat of the brain and sweat of heart, which last includes all Kepler-calculations, all Newton-meditations, all acted and suffered heroisms and martyrdoms; up to that 'agony of bloody sweat' which all men have called divine." I have read, sir, in Holy Writ "thou shalt not muzzle the ox that treadeth out the corn." I have inferred and believe that we may not and should not fetter the hand of honest toil that wrings from the earth its increase, and feeds and clothes and shelters nations. Never, sir, will I consent to the admission of that State until she repeals that infamous enactment.



But more than that. She has upon her statute-book a black code, which provides that any person may arrest any slave escaping from his master, though he came from the remotest ends of the earth—from Guinea or Algiers, from Cuba or Brazil—and, without a hearing before a magistrate, commit him to an American jailor, whose duty it shall be, at your cost, sir, and mine, to imprison him six months, and advertise him, at the cost of the American people, for a master; and if no master comes, to take it for granted that he ought to have a master, and imprison him for six months longer, without a hearing; and at the end of twelve months' imprisonment, sell him at the door of your American court-house—at the altar of American justice—to the highest bidder in cash. This infamous statute further provides that the sheriff's bill of sale shall vest in the purchaser a good and indefeasible title against all persons whatever, even including the man's right to his own soul. I recognize no bill of sale for a human soul, unless it bears the seal of God Almighty. That this statute might want no feature of atrocity, it is further provided that the man thus wronged and sold like a beast shall never testify against a white man in courts of justice. The statute first robs the man of his liberty, and then seals his lips in perpetual silence. Let these infamous statutes be repealed before New Mexico comes into the Union. The bill for their repeal is now in the Senate. It has passed this House. Let it first become a law.

What other compromise is offered, in order to save the Union? Why, an amendment to the fugitive slave law. I can only stop to say here, touching that law, that the amendment proposed does not remove the objections, in my mind insurmountable, to its adoption by an American Congress. It does not relieve the American people from the unjust obligations imposed upon them by the act of 1850, by which, at the beck of the marshal, they are compelled to join in the hunt—to make hue and cry on the track of a fugitive slave woman who is fleeing, with her babe lashed upon her breast, from the house of bondage. I will not perform that service, and I ask any man on that side whether *he* will?

I object to the amendment proposed, for the further reason that it vests in commissioners unknown to the Constitution, unauthorized by the Constitution, not appointed according to the Constitution, the judicial power of the United States, to dispose of the liberty of a human being. You say it is but the liberty of a slave that is involved. I say it is the liberty of a man that is involved; and that the Constitution, in the administration of justice, in the organization of tribunals for the administration of justice, is no respecter of persons. The word "citizen" in that connection is not employed in your Constitution. The words "white man" in that connection, are not employed in the Constitution. On the contrary, the word "person" is adopted, a term comprehensive enough to embrace all men when the Constitution guarantees life and liberty and trial by jury. The Constitution has the same care for the rights of the stranger within your gates as for the rights of the citizen. The people adopted that

Constitution, and established a system of justice on the principle of the great law given by God to his people: "Ye shall have one manner of law as well for the stranger as for one of your own country." I object to this proposition, then, because, in my judgment, it is violative of the Constitution.

What is the other compromise or concession proposed? It is to amend the act for the rendition of fugitives from justice escaping from one State into another. I object to the act proposed, because it strips the State of the power which, from the foundation of the Government, was supposed to be reposed exclusively in the State, to protect all of her citizens in all cases involving their life or liberty, save where they are charged with an offense against the Federal Government. Under the act of 1793, for the rendition of fugitives from justice, the jurisdiction was vested in the Governors of the several States. Why? Because the State has the care of the lives and liberties of its own citizens, and the right to determine whether they are charged with an offense committed against the laws of another State, for which they should be delivered up to answer. This bill transfers the State jurisdiction to the Federal courts.

I object to this amendment on another ground: that it makes the charge *prima facie* evidence of the fact as charged; and, in my judgment, whether intended so or not by those who framed it, will be construed by the courts to require and authorize the rendition of persons charged with any offense prohibited and made indictable by the statutes of the State in which the offense is alleged to have been committed. That is not the law of the land to-day. States, North and South, have resisted any such construction of the act of 1793. Kentucky, as well as Ohio, has done so. I deny that citizens of the United States are to be made liable, by force of Federal law, for mere political offenses against the States. Why, sir? Because it is written in the Constitution that Congress shall make no law abridging the freedom of speech or the freedom of the press. Under that restriction, can Congress make a law for the rendition of a citizen of the United States for teaching a slave to read in South Carolina, or publishing an article against slavery therein contrary to the statutes of that State? Whether this amendment will be construed as I have indicated, is a matter about which, perhaps, gentlemen might differ. It is my belief that such will be its construction. So construed, it is a law like all the rest proposed, which will strengthen the power of slavery in this country. I do not believe the Constitution makes it my duty to legislate especially in aid of State slave codes.

I will not lend my vote to the support of any such legislation. I conclude, then, what I have to say on this subject, with the further remark, that, inasmuch as these laws are objectionable, on the ground of constitutionality, on the ground of humanity, and on the ground of policy, they are not likely either to save the Union or to give any additional authority to the Executive for the maintenance of the Constitution as it is: they ought not to pass. At all events, they cannot receive my sanction.

What then remains to be done? Simply to uphold the Constitution as it is, by such additional legislation as will enable the President of the United States to execute the duty imposed upon him by the words of the Constitution, "to see that the laws be faithfully executed." But it is said, he cannot do that, for you cannot coerce a State. I ask gentlemen who say that, can a State legalize treason against the Government of the United States? Can one State coerce thirty-two States? Can a State lawfully shelter traitors against the Government of the United States? No one proposes to coerce States—but to enforce the laws; to put down rebellion; and punish treason; to recapture the forts, the arsenals, the arms, and treasure of the United States. At all events, it is our duty, by just and needful legislation, to try the strength of this Government and its power to release an honest citizen from an unjust punishment, who is charged with no offense, save allegiance to the Constitution of his country and fidelity to official duty.

As I said before, I stand by the Constitution as it is. I ask you to consider whether, if the people of the United States will not rally to the support and maintenance of the Constitution as it is, with all its sacred traditions, they will do so after you shall have marred and mangled it with proslavery amendments.

Mr. Speaker, I ask the people and the people's Representatives to maintain the Constitution in its integrity. Let us pass the laws which will enable the Executive to summon the people, the loyal people, not to the conquest of our countrymen, but to the defense of our Constitution. Let the Constitution be saved from violence and overthrow; it is filled with the wisdom and goodness of its great founders; it is the carved work of their poured out spirits. Maintain it! maintain it inviolate until it fulfills its sublime mission, until this goodly heritage of ours, slumbering between two great oceans that engirdle the world, shall be filled with free Commonwealths, in every one of which, without violence to any human being or any human habitation, every unjust fetter shall be broken, and every inherent right maintained. When no State will banish men because they are just, or enslave men because they are weak, or subject men to the perilous edge of battle because they are strong, or strangle men like felons on the gallows, because, in obedience to the Divine command, they remember those that are in bonds as bound with them. Maintain your Constitution until our temple of civil and religious liberty shall be complete, lifting its head-stone of beauty above the towers of watch and war, until all nations shall flee unto it, and its glory shall fill the whole earth.



